

**Remarks:**

1. The Examiner has indicated that the drawings are objected to under 37 CFR 183(a) for not showing every feature of the invention specified in the claims. Specifically, the Examiner has indicated the locking mechanism (of claims 4, 12-13) and the detachable couplings (of claims 5 and 14) must be shown or the features cancelled from the claims.

The applicant has responded to this objection by canceling claims 4, 5, 12, and 13, and by amending claim 14 to remove a reference to the detachability of the grasping member from the grasping sleeve.

Accordingly, the applicant respectfully submits that the objection to the drawings based on 37 CFR 1.83(a) has been addressed and overcome.

2. The Examiner has rejected claims 1-14 under 35 U.S.C. 102(b) as being anticipated by Kerry (US 3,601,966).

The applicant must respectfully disagree with the Examiner regarding this rejection. A discussion of the 102(b) rejection to the presently pending independent claims based on Kerry and other prior art of record is provided below.

3. The cited prior art teachings of Kerry describe and claim a structurally and operationally different device than that taught by the applicant. As such, the applicant believes

that the 102(b) rejection is improper for each of the reasons provided below:

- a) The applicant's present invention provides for a gathering and pickup tool that is comprised of two separate (and preferably separable) sub-units: a gathering portion and a grasping portion. This is clearly stated in each of the pending independent claims (presently claims 7 and 15), in sub parts "a" and "b", before the "slidable coupling" relationship is introduced in sub-part "c".

In contrast, each of the prior art devices, including the embodiments taught by Kerry, provides for "one-piece" devices, wherein there is not provided a separate (and preferably separable) grasping portion comprised of a grasping sleeve, a grasping member, and a rigidly fixed coupling therebetween.

- b) The teachings of the applicant yield a gathering and pickup tool that specifically requires a fixed downward angle for each of the gathering head and the grasping member, with respect to the elongated handle and the grasping sleeve, respectfully. This is clearly indicated in each of the presently pending independent claims in sub-parts "a" and "b", and is clearly shown in Figs 1A through 5. This limitation is also fully discussed in the specification in paragraphs [0006], [0012], [0021], and [0022].

The requirement of the fixed downward angle for each of the gathering head and the grasping member - which is specifically maintained at all times with respect to the longitudinal axes of the elongated handle and the grasping sleeve, provides for the gathering head and grasping

member to be maintained in a substantially parallel relationship, whether the device is employed for gathering debris (e.g., in the retracted position), grasping debris (e.g., in the grasping position), or being switched from one of these positions to the other. The structure taught and claimed by the applicant includes no rotating or pivoting portions/elements.

This fixed angle limitation between the grasping member and the slidable grasping sleeve is simply not taught in the prior art, and not provided for, or suggested by the teachings of Kerry (US 3,601,966), Gascon (4,292,794), or Tolliver (5,303,536).

- c) The Kerry device represents a more complicated gathering and pickup device than that taught by the applicant's present invention. Specifically Kerry teaches a combination rake and pickup device with a plurality of coupled and non-separable structures including the required pivotally mounted links 24/26 and a resilient member 34.

These structures are not included with the applicant's device - and are fundamentally not compatible with the teachings of the applicant.

In contrast to the Kerry device, the applicant teaches a much simpler arrangement that includes two sub-structures: a gathering portion and a grasping portion. Further, the applicant's tool provides for and claims a simple slidable and linear motion between these two preferably separable sub-portions. The slidable coupling requirement

represents the entire physical coupling claimed between these two sub-units.

- d) The Kerry device, as described and claimed, must include the resilient member 34 to enable a change of angle between the slidable operator sleeve and a second (grasping) rake head. This change of angle is produced by the operator sleeve being moved between a first retracted position and a second advanced (grasping) position, or visa versa. See the Summary section of Kerry, in col. 1, lines 20+; col. 2, lines 2+, claim 1 lines 4+ and lines 11+, as well as figures 2 and 3.

In contrast, the applicants present invention does not require a resilient or flexible member, and has no use for one. Instead the applicant teaches a fixed and constant angular relationship between the grasping sleeve and the grasping member. They are rigidly coupled together as described in the specification and figures, and as claimed in sub-part "b" of each independent claim. This is an important feature/limitation not supported by the Kerry device, or other known "pickup rakes" such as those taught by Gascon (4,292,794), Tolliver (5,303,536), Harris et al. (1,160,282), etc.

Therefore, the applicant respectfully suggests that the structure of the present invention, as currently disclosed and claimed in the amended independent claim 7 and the new independent claim 15, when compared to Kerry (and other known prior art devices) is significantly and patentably different.

Accordingly, the applicant respectfully requests that the rejection of the pending claims be reconsidered and withdrawn.

**4. Antecedence for Amended Claims:**

Support and antecedence for the explicit limitation present in each independent claim calling for "a gathering portion which is separable from the grasping portion" is in paragraph [0024] on page 14, as well as paragraph [0030] on page 17.

Support and antecedence for the slidable/coaxial coupling of the gathering portion to the grasping portion is found in paragraph [0008] on page 6, and paragraph [0029] on pages 16+, as well as the original claim 11.

**5. Summary and Conclusions:**

In summary, it is respectfully submitted that the gathering and pickup tool, as described and claimed by the applicant, is not taught by Kerry or the other prior art references of record. In particular, a number of structures and or limitations taught by the cited prior art references are not compatible with the applicant's teachings and as a result clearly yield more complicated structures. Importantly, the embodiments disclosed and claimed by the applicant specifically provide for a simplified device having a fixed downward angle - maintained at all times - between the gathering head and the elongated handle, as well as the grasping member and the grasping sleeve. Operation of the applicant's device involves a simple slidable and linear

motion between the gathering portion and the grasping portion - with these two portions being readily separable. The applicant's teachings yield devices excluding structures such as pivoting connecting links, pivot pins, hinges, etc.

Therefore, based on the above amendments, comments, and responses to the Office Action of August 31, 2004, the allowance of the independent claims 7 and 15 is respectively requested.

As each of these presently pending independent claims is now deemed to be in proper form, and considered to include limitations that define patentable subject matter over the prior art, their allowance is earnestly solicited.

Since the dependent claims incorporate all of the limitations of the independent claims from which they depend, their allowance is also respectfully requested.

Thank-you for your time regarding the review and analysis of this response, as well as the time spent during the interview of 28 December 2004.

Respectfully submitted,



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